

	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES: 505 KAR 1:140 3-JDF-3D-08</b>
<b>CHAPTER: Detention Services</b>		<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Grievance Procedure</b>		
<b>POLICY NUMBER: DJJ 706</b>		
<b>TOTAL PAGES: 4</b>		
<b>DATE ISSUED: July 15, 2005</b>		<b>EFFECTIVE DATE: 02/03/06</b>
<b>APPROVAL: Bridget Skaggs Brown</b>		<b>, COMMISSIONER</b>

## **I. POLICY**

Youth confined to Regional Juvenile Detention Center (RJDC) or placed in an Alternative to Secure Detention (ATD) program shall be provided an internal grievance mechanism for complaints arising from institutional matters.

## **II. APPLICABILITY**

This policy shall apply to all state operated and contracted Regional Juvenile Detention Centers and ATD programs.

## **III. DEFINITIONS**

- A. "Grievance" means a circumstance or action considered to be unjust and grounds for complaint.
- B. "Working Days" means Monday-Friday, exclusive of weekends and holidays.

## **IV. PROCEDURES**

- A. Youth shall be shown the location of the grievance forms and shall be provided an explanation of the procedures upon intake. All grievances shall be handled expeditiously, and without threat of reprisal against the individual grievant.
- B. A youth may file a grievance if he believes that there has been a violation of:
  - 1. Federal or Kentucky civil rights provisions;
  - 2. Federal or Kentucky civil or criminal law;
  - 3. Departmental policy/procedure; program standard operating procedure; or
  - 4. To resolve a condition within the RJDC or ATD program that creates unsafe or unsanitary living conditions.

<b>POLICY NUMBER</b> <b>DJJ 706</b>	<b>ISSUE DATE</b> <b>07/15/05</b>	<b>EFFECTIVE DATE</b> <b>02/03/06</b>	<b>PAGE NUMBER</b> <b>2 of 4</b>
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- C. Non-Grievable issues include court decisions, policies from agencies outside the detention facility, disciplinary hearing decisions, probation decisions, and legislative action affecting the operations of the RJDC or ATD program.
- D. A youth may file a grievance only for himself, although a resident may assist another resident in filing a grievance.
- E. Only one grievance may be filed at any one time on a single incident or issue of concern. A youth may withdraw a current or previously filed grievance at any time.
- F. An inappropriately filed grievance, or one that concerns a non-grievable issue, shall be returned to the youth with an appropriate explanation.

G. Formal Grievance Process

1. Step One

- a. If unable to resolve the issue informally, within forty-eight (48) hours of the issue occurring the youth shall write up the grievance on the Resident Grievance Form, being as specific as possible.
- b. At the point of writing up the grievance, the youth may use the help of a DJJ staff member, including their Juvenile Service Worker if applicable. Another youth may assist the youth in filing a grievance. If neither the youth nor staff believes they are able to adequately express the grievance in written form, the youth shall be allowed to present the grievance verbally, a summary of which shall be entered into documentation by the Designated Grievance Officer.
- c. The written grievance shall be presented to the Designated Grievance Officer within two (2) working days of the occurrence of the issue that is being grieved. A formal hearing shall be held within three (3) working days of receiving the grievance.
- d. If the grievance involves an ATD program, the Detention Alternative Coordinator (DAC) shall be the Designated Hearing Officer. If the grievance involves the DAC, the DAC Branch Manager shall be the Designated Grievance Officer.
- e. Those present at the hearing may include the Designated Grievance Officer who shall conduct the hearing; the youth filing the grievance; the staff assistant, if any; and witnesses related to the issue as approved by the Designated Grievance Officer.

<b>POLICY NUMBER</b> <b>DJJ 706</b>	<b>ISSUE DATE</b> <b>07/15/05</b>	<b>EFFECTIVE DATE</b> <b>02/03/06</b>	<b>PAGE NUMBER</b> <b>3 of 4</b>
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- f. The Designated Grievance Officer shall within three (3) working days of the conclusion of the hearing present a written response to the youth. A record, including all information regarding the grievance, shall be kept on file in the office of the Designated Grievance Officer for a period of three (3) years.

## 2. Step Two

- a. If dissatisfied with the resolution presented by the Designated Grievance Officer, the youth may within two (2) working days forward the grievance to the Superintendent or designee or, for grievances involving an ATD program, to the DAC Branch Manager. If the DAC Branch Manager serves as the Designated Hearing Officer, the Placement Services Division Director shall handle any appeal. The youth shall present all information provided in Step 1.
- b. Within three (3) working days of receiving the grievance, the Superintendent/DAC Branch Manager or designee shall meet with the Designated Grievance Officer, the youth, and the staff assistant, if any.
- c. The Superintendent/DAC Branch Manager or designee shall receive all information deemed necessary to resolve the issue. The Superintendent/DAC Branch Manager or designee shall have up to five (5) working days to present a written final response to the youth.
- d. A copy of the final resolution, along with the grievance and all information, shall be forwarded to the Ombudsman at the same time the final resolution is given to the youth.

## 3. Compliance With Time Frames:

- a. If the youth does not meet time frames, the grievance shall be automatically dropped.
- b. If the staff does not meet time frames, the grievance shall be automatically won by the youth.
- c. Due to unavailability of an essential party the time frames may be extended with the written agreement of the youth and the Designated Grievance Officer and the approval of the Superintendent/DAC Branch Manager.
- d. In the absence of the Designated Grievance Officer, Superintendent, or DAC Branch Manager, the person covering their duties shall be responsible for the handling of grievances.

<b>POLICY NUMBER</b> <b>DJJ 706</b>	<b>ISSUE DATE</b> <b>07/15/05</b>	<b>EFFECTIVE DATE</b> <b>02/03/06</b>	<b>PAGE NUMBER</b> <b>4 of 4</b>
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- e. If the Designated Grievance Officer, Superintendent or DAC Branch Manager is directly involved in the grievance, that person's supervisor shall handle the grievance.

4. Record, Review, Confidentiality

- a. The Superintendent or designee and the DAC shall maintain a monthly log of grievances filed under this procedure as to relevant dates, the person filing, topics and dispositions. A summary shall be included in the Quarterly and Annual Reports submitted by the Superintendent to the Residential Facilities Administrator and by the DAC to the DAC Branch Manager.
- b. All written grievances shall be considered confidential.

**V. MONITORING MECHANISM**

Monitoring shall be accomplished by the Facility Superintendent, the Regional Facilities Administrator, the DAC Branch Manager and the Ombudsman.